

Image ID:
D00745590D01

SUMMONS

Doc. No. 745590

IN THE DISTRICT COURT OF Douglas COUNTY, NEBRASKA
1701 Farnam
Omaha NE 68183

Kenneth Rosener v. Menard, Inc.

Case ID: CI 21 7592

TO: Menard, Inc.

You have been sued by the following plaintiff(s):

Kenneth Rosener

Plaintiff's Attorney: Thomas M Rowen
Address: 2611 S. 117th Street
Omaha, NE 68114

Telephone: (402) 393-7529

A copy of the complaint/petition is attached. To defend this lawsuit, an appropriate response must be served on the parties and filed with the office of the clerk of the court within 30 days of service of the complaint/petition. If you fail to respond, the court may enter judgment for the relief demanded in the complaint/petition.

Date: JULY 29, 2021

BY THE COURT:

John M. Friend
Clerk



PLAINTIFF'S DIRECTIONS FOR SERVICE OF SUMMONS AND A COPY OF THE COMPLAINT/PETITION ON:

Menard, Inc.
The Prentice-Hall Corp. System, Inc
233 South 13th St, Ste.1900
Lincoln, NE 68508

Method of service: Certified Mail

You are directed to make such service within ten days after the date of issue, and file with the court clerk proof of service within ten days after the signed receipt is received or is available electronically, whichever occurs first.



IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

KENNETH ROSENER,)	Case No. CI 21-_____
)	
Plaintiff,)	
)	
vs.)	COMPLAINT
)	(LAW)
MENARD, INC.,)	
)	
Defendant.)	

COMES NOW the Plaintiff, KENNETH ROSENER, and for his cause of action against the Defendant, states and alleges as follows:

JURISDICTION AND PARTIES

1. The Court has subject matter jurisdiction over the cause of action and the parties hereto pursuant to Neb. Rev. Stat. §24-517 and other provisions of law. Venue is proper in Douglas County, Nebraska pursuant to Neb. Rev. Stat. §25-403.01 for the reason that the cause of action arose in Douglas County, Nebraska.

2. The Plaintiff, KENNETH ROSENER, at all times relevant hereto, was a resident of Omaha, Douglas County, Nebraska.

3. The Defendant, MENARD, INC., (hereinafter referred to as "Menard") at all times relevant hereto, was a foreign corporation duly authorized to do business in Nebraska and was doing business in Omaha, Douglas County, Nebraska.

ALLEGATIONS

4. On or about the 18th day of February, 2021, the Plaintiff was a lawful visitor at Menard's, located at 708 N. 120th Street, Omaha, Douglas County, Nebraska.

5. At such time and place, Plaintiff was entering the premises when he tripped and fell on a raised section of carpet squares at the entrance of the store.

6. Defendant neglected to remove or repair the raised section of carpet squares or adequately warn against it.

7. The aforementioned raised carpet square was a dangerous condition upon Defendant's premises which Defendant created, knew of, or through the exercise of reasonable care would have discovered.

8. Defendant should have realized that said dangerous condition involved an unreasonable risk of harm to persons such as Plaintiff.

9. Defendant should have expected that lawful visitors such as Plaintiff would not discover or realize the danger or would fail to protect themselves against the danger.

10. Defendant failed to use reasonable care to protect lawful visitors such as Plaintiff against the danger.

11. The dangerous condition and the Defendant's negligence were the proximate cause of damages to the Plaintiff.

DAMAGES

12. As a direct and proximate result of the heretofore-described accident occurring on the 18th day of February, 2021, the Plaintiff sustained a physical injury to his head, face and knee and has experienced physical pain and mental suffering and is reasonably certain to experience the same in the future causing a loss of enjoyment of life.

13. As a direct and proximate result of the heretofore-described accident, the Plaintiff has incurred medical expenses reasonably needed by and actually provided to the Plaintiff in an amount exceeding \$11,000.00.

14. As a direct and proximate result of the heretofore described accident, the Plaintiff has suffered inconvenience, annoyance, diminished quality of life and embarrassment.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against the Defendant for damages, costs and interest as allowed by law.

Dated: July 23, 2021.

KENNETH ROSENER, Plaintiff

BY: s/ Thomas M. Rowen
Thomas M. Rowen, #21778
Michael J. Dyer, #19487
DYER LAW, PC, LLO
2611 S. 117th Street
Omaha, NE 68144
Ph: (402) 393-7529
Fax: (402) 391-2289
tom@dyerlaw.com
Attorney for Plaintiff